

**MINUTES OF THE
IMPROVEMENT & SERVICE COMMITTEE
Wednesday, June 11, 2014
ROOM 207, CITY HALL
5:30 p.m.**

MEMBERS: Brian Danzinger, Joe Moore, David Nennig, Jerry Wiezbiskie (EXCUSED)

1. Approval of the minutes from the regular meeting on May 14, 2014.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the minutes from the regular meeting on May 14, 2014.

Motion carried.

2. Approval of the agenda.

To accommodate those in attendance, the following items were taken in this order: 1, 2, 3, 5, 7, and then returned to regular order. In a subsequent motion, item 8 was taken after item 4, and then the remainder of the agenda was taken in regular order.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the agenda. Motion carried.

3. Request by Ed Boucher to rescind the bulky waste collection charge of \$70.00 at 1088 Langlade Avenue.

Director Steven Grenier stated that on May 23, DPW Operations staff picked up a sofa placed in the terrace in front of the property and invoiced for a bulky waste collection. The sofa was not tagged prior to collection, as large items placed in the right-of-way are assumed to be for collection. Subsequently, DPW received a request by Ald. Wery, on behalf of Mr. Boucher, to rescind the collection charge.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to open the floor to public comment. Motion carried.

Mr. Ed Boucher, 1088 Langlade Avenue, addressed the Committee. He explained that the sofa was originally going to be disposed of by his grandson, who had a last-minute change of plans. It was unloaded at the end of the driveway so the truck could be taken to another location. Before he could make other disposal arrangements, the sofa was picked up by DPW staff and he received an invoice for the work. Had the sofa been tagged before it was picked up, he would have made other arrangements. He also stated that informational material he received last year stated that bulky waste items would be tagged before being collected. His area has not received automated trash carts, so he has not received the informational fliers that go with his cart.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to close the floor and return to regular order. Motion carried.

Ald. Wery asked for the Committee's consideration on this issue. He stated that the policy has recently changed, and those who did not receive their carts, like Mr. Boucher, still have not received the information included with the carts explaining the new policy. When interacting with his constituents in those neighborhoods, he has noted confusion on when the new policies

take effect, since some happen with the cart delivery and some took effect at the beginning of the year.

Ald. Moore agreed that there is some confusion on the implementation of the new policies, and wanted to be respectful of that issue. However, the work had been done by DPW staff, and expenses should be recuperated for work performed. He suggested the fee be split in half to reflect a compromise between the two positions.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the request by Ed Boucher to rescind the bulky waste collection charge of \$70.00 at 1088 Langlade Avenue and reissue the invoice in the amount of \$35.00. Motion carried.

4. Request by ADPC to dedicate to the City of Green Bay the storm water ponds associated with the Baird Creek Preserve.

Director Grenier stated that ADPC, the financing arm of Anchor Bank, dedicated street, water, and sewer improvements associated with the Baird Creek Preserve subdivision project through a previous Council action. Per the original developer's agreement, the City agreed to take responsibility of two storm water ponds as well as the streets and sewers. These ponds were inadvertently left off of the original dedication. This request serves to correct that omission.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the request by ADPC to dedicate to the City of Green Bay the storm water ponds associated with the Baird Creek Preserve. Motion carried.

5. Request by Military Avenue Business Association to install planters in median along Military Avenue between Ninth Street to Shawano Avenue, subject to final location and details of construction being approved by the Department of Public Works, execution of a Hold Harmless Agreement, and filing of required insurances with the City of Green Bay Risk Management Division.

Director Grenier referred the Committee to their packets, which contained information and mock ups of the proposed planters. When Military Avenue was reconstructed, the medians were enlarged to accommodate planters in the future. The Military Avenue Business Association was given funding through Common Council and has determined where they want their planters, as shown in the information provided. Staff supports this request.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to open the floor to public comment. Motion carried.

Dan Perrin, 1425 S. Clay Street, Green Bay, addressed the Committee. Mr. Perrin is the Director of the Military Avenue Business District. He reviewed the process the Business District used to develop the current plan, and the plans for installations in the future. Fixed planters were selected over individual pots because they allowed for much larger planting spaces for the same cost. The Business Association tried to distribute the planters for maximum visual impact early, while allowing for future development. A construction contractor is on board to start the planter installation the week of June 23, pending Council approval. A nursery has been selected to provide the plants and future watering services. The Association desires quick installation after approval from Common Council. In the future, companies in the Association may discretely sponsor additional planters.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to close the floor and return to regular order. Motion carried.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the request by Military Avenue Business Association to install planters in median along Military Avenue between Ninth Street to Shawano Avenue, subject to final location and details of construction being approved by the Department of Public Works, execution of a Hold Harmless Agreement, and filing of required insurances with the City of Green Bay Risk Management Division. Motion carried.

6. Request by Ald. Wiezbiskie, on behalf of Timm Schaetz, for street lights near Hart Design & Mfg on Hemlock Road in the University Heights Business Park.

Director Grenier referred the Committee to their packet, which contained a map of the recommended lighting installation. In a previous Improvement & Service meeting, staff was directed to undertake a street light study for the University Heights Business Park. The study has been completed, and staff recommends the installation of three 9,000 lumen LED lights on wood poles at this time. Single phase power would be installed, and a feed point would be added. Additional lights or decorative lighting could be added at a later date, as the business park develops.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the request by Ald. Wiezbiskie, on behalf of Tim Schaetz, for street lights near Hart Design & Mfg on Hemlock Road in the University Heights Business Park. Motion carried.

7. Request by Ald. Chris Wery, on behalf of resident, to waive the fees to connect to the storm sewer at 1213 Cleveland Street.

Director Grenier informed the Committee that the property at 1213 Cleveland Street changed hands approximately 4 years ago. At that time, it was stated that there was no storm sewer present in front of the property, and the requirement to hook up to the City storm system was waived until service was present. Later, staff determined that the initial determination was incorrect, that storm sewer does exist in front of the home. The residence is now required to connect to it prior to the sale of the home or at which time that storm water discharge becomes a public nuisance, whichever comes first. Ald. Wery submitted the request to waive the fees to connect to the storm sewer because of the error made at the time of sale.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to open the floor to public comment. Motion carried.

David Walters, 1213 Cleveland Street, Green Bay, WI, addressed the Committee. Mr. Walters outlined the history of this issue as he saw it, which included multiple discussions with City inspections staff and his previous and current Alderman to determine the proper path forward. Mr. Walters purchased the home as a foreclosure, and did his due diligence to clear out any liens, back taxes, or other deficiencies on the home. After being told he didn't have to connect to the storm sewer, he did a large amount of foundation work, which required excavation around the home. Had he been aware of the requirement to connect to the storm sewer at that time, he would have added it to the scope of work for that contractor, believing he could have realized a cost savings by completing all the work at once. He wants to be a responsible homeowner within the City of Green Bay. He believes the erroneous determination will result in increased costs to him as a homeowner, and is asking for the fees to be waived in compensation. He is not intending to sell the home at this time, but wants to understand the requirement and costs associated with it so he can budget for the work in the near future.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to close the floor to public comment and return to regular order. Motion carried.

The Committee discussed the situation in great detail. Since the home was a foreclosure, there was some doubt whether the bank would have performed this work prior to selling the home, or they may have raised the selling price to recoup the expense. Since the work may have been the current owner's responsibility at either time, the Committee was hesitant to waive the fees in their entirety, but did want to come up with an equitable solution. Given the unique nature of the situation and the fact that the home is not currently for sale, the Committee requested additional time to research possible remedies that could work for the homeowner and the City.

A motion was made by Ald. Nennig and seconded by Ald. Moore to hold until the July meeting the request by Ald. Chris Wery, on behalf of resident, to waive the fees to connect to the storm sewer at 1213 Cleveland Street. Motion carried.

8. Request by Ald. Nicholson to consider an escalating fee structure for grass/weed and snow/ice issues that recur at the same address.

Director Grenier briefly summarized his conversation with Ald. Nicholson regarding this issue. He requested additional time to study this issue so that alternatives could be proposed to the Committee. The City may be bound by statutory language that limits the amount of fees collected to the actual cost to perform the work. This may limit DPW's ability to escalate fees for repeat offenders.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to open the floor to public comment. Motion carried.

Gordon Wilker, 1224 S Greenwood Ave, Green Bay, addressed the Committee. Mr. Wilker supports this motion and asked the Committee to do whatever can be done to implement it. Mr. Wilker lives next to a nuisance property and described the frustration he felt as a responsible homeowner who is negatively impacted by an irresponsible landowner. He also asked the Committee to consider how to address multiple rental properties owned by the same individual, as they tend to lack maintenance at the same time, which causes a larger impact on his neighborhood.

A motion was made by Ald. Moore, seconded by Ald. Nennig, to close the floor to public comment and return to regular order. Motion carried.

A motion was made by Ald. Moore and seconded by Ald. Nennig to refer to staff the request by Ald. Nicholson to consider an escalating fee structure for grass/weed and snow/ice issues that recur at the same address. Motion carried.

9. Approval of Bridge Operation Agreement with Wisconsin Department of Transportation for the Mason Street and Walnut Street Bridges for fiscal year 2015.

Director Grenier informed the Committee that annually the City enters into an agreement with the Wisconsin Department of Transportation which reimburses the City for bridge tender services performed by City staff. The agreement before the Committee at this time covers State fiscal year 2015, which extends from July 1, 2014 to June 30, 2015. This agreement results in a reimbursement of approximately \$560,000 to the City. In the future, the State is looking into the feasibility of running fiber optic cable to connect all three bridges, allowing for remote operations of the Mason Street and Main Street bridges from the Walnut Street Bridge. Staff recommends approval of this agreement.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the Bridge Operation Agreement with Wisconsin Department of Transportation for the Mason Street and Walnut Street Bridges for fiscal year 2015 and to authorize the Mayor and the City Clerk to sign the bridge operation agreement. Motion carried.

10. Request by Parking Division and Feld Properties to consolidate the three (3) active Feld Properties parking agreements into one (1) new document.

Director Grenier briefed the Committee on the history of the parking agreements between Feld Properties and the City. In the past, financial restrictions required Feld Properties to enter into three separate parking agreements with the City. These restrictions have now been lifted and both DPW and Feld Properties would like to consolidate the three agreements into one agreement. The terms and conditions from all three agreements would carry into the new document. Since the three agreements were individually approved by Council, staff requests approval to consolidate the three active agreements into one new document.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the request by Parking Division and Feld Properties to consolidate the three (3) active Feld Properties parking agreements into one (1) new document. Motion carried.

11. Request by the Department of Public Works for discussion and possible action regarding approval of Compliance Maintenance Annual Report (CMAR) and resolution for WDNR sanitary sewer collection permit.

Director Grenier state that DPW is required to complete the Compliance Maintenance Annual Report (CMAR) yearly as a condition of our sanitary sewer collection permit. Assistant City Engineer Matthew Heckenlaible briefed the Committee on the requirements of the report, the information that goes into it, and the individual components of the report. Overall, the City's system received an A rating, the best score possible. It was noted that the CMAR now requires all communities to complete a Compliance, Maintenance, Operation and Management (CMOM) report, which the City began in 2013 as a result of a US EPA Administrative Consent Order. The CMOM report will be discussed in the next item. Staff requests approval of the attached resolution, and authorization for the Director of Public Works to forward the report and resolution to WDNR.

A motion was made by Ald. Moore and seconded by Ald. Nennig to adopt the resolution approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Annual Report (CMAR) and authorize the Mayor and City Clerk to execute the resolution and allow the Director of Public Works to forward these documents to WDNR. Motion carried.

12. Request by the Department of Public Works for review, discussion and action allowing the Director of Public Works to submit the Compliance, Maintenance, Operation and Management (CMOM) Report to EPA as stipulated under the Administrative Consent Order that was agreed to in September of 2013.

Director Grenier reminded the Committee that last year the City entered into an Administrative Consent Order (ACO) with the US EPA which required the development of a Compliance, Maintenance, Operation and Management (CMOM) Report. The Committee approved the ACO and authorized DPW to enter into a contract with Brown and Caldwell to create the report in previous actions. The draft report is complete, and the DPW is requesting authorization to submit the report to the US EPA for review and comment.

Assistant City Engineer Matthew Heckenlaible gave the Committee an executive summary from the report. He outlined the research that was undertaken to complete the report and the results of the report for the Committee. Overall, the City's program was well rated, but there is

some room for improvement. Areas that can be improved without financial impacts will be undertaken by the Department administratively. Areas of improvement that have financial impacts, such as the recommendation for increases in staffing, training, and equipment purchases, would be brought forward to the appropriate Committee for approval as needed.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the request by the Department of Public Works to allow the Director of Public Works to submit the Compliance, Maintenance, Operation and Management (CMOM) Report to EPA as stipulated under the Administrative Consent Order that was agreed to in September of 2013. Motion carried.

13. Request by the Department of Public Works to contract with Robert E. Lee & Associates to complete Professional Engineering Services for the Bay Beach Amusement Park Green Infrastructure Parking Lot at a cost of \$39,500.00 and authorize the Director of Public Works to sign the agreement.

Director Grenier informed the Committee that at the last meeting Council approved the award of this contract to Ayres Associates. During negotiations of the contract, Ayres Associates requested changes to the City's Standard Professional Services Agreement that the City was unable to approve. Based on this impasse, Ayres Associates withdrew their proposal. Staff requests approval to award the contract to the second-highest rated proposal, submitted by Robert E. Lee & Associates. Staff has already coordinated with Robert E. Lee & Associates and determined that they are willing to sign the Standard Professional Services Agreement. This recommendation has been coordinated through the Parks Department, who also supports the request.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the request by the Department of Public Works to contract with Robert E. Lee & Associates to complete Professional Engineering Services for the Bay Beach Amusement Park Green Infrastructure Parking Lot at a cost of \$39,500.00 and authorize the Director of Public Works to sign the agreement. Motion carried.

14. Report of the Purchasing Manager:

- A. Request approval to award the purchase of a 2014 Tandem Asphalt Vibratory Roller to Miller-Bradford & Risberg, Inc. for \$17,195.

Director Grenier reviewed the purchase that was quoted through the City's Purchasing Department. Three quotes were received. The lowest quote received, from Brooks Tractor, noted multiple exceptions, including the size of the engine and the length of the warranty. Based on the exceptions noted, this quote was deemed to be non-responsive. The Purchasing Manager recommends award to the lowest responsive bidder, Miller-Bradford & Risberg, Inc.

A motion was made by Ald. Nennig and seconded by Ald. Moore to approve the report of the Purchasing Manager:

- A. To award the purchase of a 2014 Tandem Asphalt Vibratory Roller to Miller-Bradford & Risberg, Inc. for \$17,195.

Motion carried.

15. Review and award the following contracts to the low responsive bidders:

- A. SIDEWALKS 2014
- B. PAVEMENT 1-14

- C. MORaine TERRACE LIFT STATION REHABILITATION
- D. PARKING RAMP REPAIRS - 2014
- E. CHRISTA McAULIFFE PARK STORMWATER FACILITY
- F. PAVEMENT 2-14
- G. PAVEMENT 3-14 (INCLUDING SEWERS AND WATER MAIN)

Director Grenier referred the Committee to their packets, which contained summary information for all of the contracts listed. He went over each contract, summarizing the bidding climate for each and the results of the bid process as compared to the engineer's estimate for the project and the approved Capital Improvement Plan (CIP).

For Items A and B, staff obtained permission from the Finance Committee and Council to award these contracts before the next I&S meeting, as long as the contract amount was below the CIP and the results were reported to the I&S Committee. This serves as the report and staff recommended the Committee receive and place on file the report of the award. For the remaining contracts, staff recommended award of the contracts to the low, responsive bidder, as listed below.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the award of the following contracts to the low responsive bidders:

- A. To receive and place on file the report of the award of contract SIDEWALKS 2014 to the low responsive bidder, Martell Construction, Inc. in the amount of \$149,999.00.
- B. To receive and place on file the report of the award of contract PAVEMENT 1-14 to the low responsive bidder, Peters Concrete Co., in the amount of \$256,588.75.
- C. To approve to award contract MORaine TERRACE LIFT STATION REHABILITATION to the low responsive bidder, De Groot, Inc., in the amount of \$65,761.80.
- D. To approve to award contract PARKING RAMP REPAIRS - 2014 to the low responsive bidder, Central Restoration, LLC, in the amount of \$511,950.00.
- E. To approve to award contract CHRISTA McAULIFFE PARK STORMWATER FACILITY to the low responsive bidder, Radtke Contractors, Inc., in the amount of \$643,315.50.
- F. To approve to award contract PAVEMENT 2-14 to the low responsive bidder, Northeast Asphalt, in the amount of \$114,787.80.
- G. To approve to award contract PAVEMENT 3-14 (INCLUDING SEWERS AND WATER MAIN) to the low responsive bidder, Feaker & Sons Co., Inc., in the amount of \$793,955.58.

Motion carried.

16. Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. A & M Concrete and Construction, Inc.
- B. Korowski Construction

Director Grenier stated staff reviewed both applicants and recommends approval.

A motion was made by Ald. Moore and seconded by Ald. Nennig to approve the applications for Concrete Sidewalk Builder's Licenses by the following:

- A. A & M Concrete and Construction, Inc.
- B. Korowski Construction

Ald. Danzinger abstained from voting on the A & M Concrete and Construction, Inc., application. Motion carried.

A motion was made by Ald. Moore and seconded by Ald. Nennig to adjourn the meeting. Motion carried.

Meeting adjourned at 7:05 p.m.